

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

JOHN RASH,

Plaintiff,

CASE NO.: 3:20-cv-224-NBB-RP

v.

LAFAYETTE COUNTY,
MISSISSIPPI,

Defendant.

REMOTE VIDEOTAPED DEPOSITION OF DAVID RIKARD

DECEMBER 15, 2020

Reported by:

GINA WILLIAMS, RPR, CRR, CRC

JOB NO. 187732

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 DECEMBER 15, 2020</p> <p>8 9:23 a.m.</p> <p>9</p> <p>10 Remote Videotaped Deposition of DAVID RIKARD in</p> <p>11 the above-styled action before Gina Williams, Registered</p> <p>12 Professional Reporter and Certified Realtime Reporter.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 REPORTER'S NOTE:</p> <p>19 QUOTATION MARKS ARE USED FOR CLARITY AND DO NOT</p> <p>20 NECESSARILY REFLECT A DIRECT QUOTE</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 SIMPSON THACHER & BARTLETT</p> <p>5 Attorney for Plaintiff</p> <p>6 425 Lexington Avenue</p> <p>7 New York, New York 10017</p> <p>8 By: ISAAC RETHY, ESQUIRE</p> <p>9</p> <p>10</p> <p>11 ACLU OF MISSISSIPPI</p> <p>12 Attorney for Plaintiff</p> <p>13 P.O. Box 2242</p> <p>14 Jackson, Mississippi 39225</p> <p>15 By: LONDON THAMES, ESQUIRE</p> <p>16</p> <p>17 CLAYTON O'DONNELL</p> <p>18 Attorney for Defendant</p> <p>19 1403 Van Buren Avenue</p> <p>20 Oxford, Mississippi 38655</p> <p>21 By: DAVID O'DONNELL, ESQUIRE</p> <p>22</p> <p>23</p> <p>24 VIDEOGRAPHER: JAAROME WILLIAMS</p> <p>25</p>
<p style="text-align: right;">Page 4</p> <p>1 D. RIKARD</p> <p>2 COURT REPORTER: My name is Gina Williams with</p> <p>3 TSG Reporting. Due to the severity of COVID-19, the</p> <p>4 videographer and I will not be in the same room with</p> <p>5 the witness and will swear the witness remotely.</p> <p>6 Do all parties stipulate to the validity of the</p> <p>7 remote process, transcript, and swearing of the</p> <p>8 witness?</p> <p>9 MR. THAMES: Yes.</p> <p>10 MR. O'DONNELL: Yes.</p> <p>11 MR. RETHY: Yes.</p> <p>12 - - - -</p> <p>13 VIDEOGRAPHER: This is the start of Media 1 of</p> <p>14 the video deposition of David Rikard in the matter of</p> <p>15 John Rash versus Lafayette County, Mississippi in the</p> <p>16 United States District Court, Northern District of</p> <p>17 Mississippi, Case Number 3:20-cv-224.</p> <p>18 This deposition is being held remotely on</p> <p>19 December 15, 2020 at 9:23 a.m.</p> <p>20 My name is JaaRome Williams with TSG Reporting</p> <p>21 Will counsel please introduce yourself for the</p> <p>22 record.</p> <p>23 MR. RETHY: Isaac Rethy, Simpson, Thacher and</p> <p>24 Bartlett for Plaintiff John Rash.</p> <p>25 MR. THAMES: Landon Thames for the ACLU of</p>	<p style="text-align: right;">Page 5</p> <p>1 D. RIKARD</p> <p>2 Mississippi for Plaintiff John Rash.</p> <p>3 MR. O'DONNELL: David O'Donnell for Lafayette</p> <p>4 County, Mississippi.</p> <p>5 - - - -</p> <p>6 WHEREUPON,</p> <p>7 DAVID RIKARD</p> <p>8 was called as a witness and, after having been first duly</p> <p>9 sworn, was deposed and testified as follows:</p> <p>10 EXAMINATION</p> <p>11 BY MR. RETHY:</p> <p>12 Q Good morning. My name is Isaac Rethy. I'm going</p> <p>13 to be the primary attorney asking questions today.</p> <p>14 Can you hear me clearly?</p> <p>15 A It's a --</p> <p>16 I can hear you clearly. It's just a little hard</p> <p>17 to hear you.</p> <p>18 Q Okay. Is this better?</p> <p>19 A Yes, sir.</p> <p>20 Q Okay, great. So if I fade out or anything,</p> <p>21 please let me know.</p> <p>22 A Okay.</p> <p>23 Q So could you state your full name for the record?</p> <p>24 A David Rikard.</p> <p>25 Q And you understand you've sworn under oath to</p>

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2 tell the truth today; right?

3 A Correct.

4 Q And you intend to keep that oath; correct?

5 A Yes, sir.

6 Q And are you taking any medication or do you have

7 any condition that might impact your ability to testify

8 truthfully and accurately?

9 A No, sir.

10 Q And is there any other reason why your memory

11 might be impaired today?

12 A None.

13 Q So I'm going to ask a series of questions. In

14 order to have a clear record of your answers, please wait

15 for the question to end before responding, so minimize

16 speaking over each other.

17 Make sense?

18 A Yes.

19 Q And in addition, because this is transcribed, you

20 need to respond audibly. So head nods and shakes aren't

21 going to show up on the transcript so please, you know,

22 answer yes or no rather than with gestures.

23 A Okay.

24 Q And you know, because this is being conducted

25 over Zoom, it's always possible that we have a technical

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2 Q And so your attorney might at certain points

3 object to questions that I ask, but unless he specifically

4 tells you not to answer, you should answer the question even

5 though your attorney may have objected to it.

6 Does that make sense?

7 A I'm sorry. Say that again.

8 Q So your attorney might interpose objections.

9 Like I might ask a question, and he might say "objection" or

10 "object to form" or something like that, but him making

11 those objections doesn't mean that you don't have to answer

12 the question. You still have to answer the question, unless

13 your attorney specifically tells you not to answer the

14 question.

15 A Okay.

16 Q I think it will be clear. If your attorney

17 doesn't want you to answer a question, I'm sure he'll, you

18 know, make that clear, but just otherwise, you know, just

19 before you answer, give him a second to make an objection if

20 he wants to, but then answer the questions.

21 A Okay.

22 Q Have you ever been deposed before?

23 A No, sir.

24 Q Have you ever given any sort of sworn testimony

25 before?

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2 issue or a connection issue or something of the sort.

3 So, you know, if it seems like there's a

4 technical issue that's preventing you from understanding

5 what I'm saying, please let me know. I'll do the same if I

6 can't hear you for whatever technical reason.

7 A Okay.

8 Q And if there's anything I ask that you don't

9 understand, let me know, and I'll rephrase the question.

10 Otherwise, I'll assume you understand the question.

11 Is that fair?

12 A Fair enough.

13 Q And we're going to take short breaks at certain

14 points, maybe five-minute breaks every hour, hour and a

15 half, and I'm not sure --

16 I'm in a different time zone than you, but we may

17 also take a lunch break.

18 But in addition to that, if at any time you want

19 a break, just let me know, and we'll accommodate that.

20 A Okay.

21 Q One thing with breaks is that if there's a

22 question pending, you should just answer the question before

23 we take a break.

24 Does that make sense?

25 A Yes, sir.

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2 A Yes.

3 Q Could you describe what that was?

4 A I don't remember the exact --

5 It was during my sister's divorce. I don't

6 remember exactly what the cause was for, but it was during

7 her divorce.

8 Q Okay. Where are you currently employed?

9 A I work for Insurance Claims Specialists in

10 Lafayette County.

11 Q And you're a member of the county board of

12 supervisors; is that right?

13 A That's correct.

14 Q And how long have you been on the board?

15 A I'm starting my second term, first year into

16 that, so five years.

17 Q So what year did you join?

18 A I was I elected in 2015, and I was sworn in and

19 took office in 2016 originally.

20 Q So we're going to look at a number of documents

21 today, and since it's over Zoom, the way that I'm going to

22 show you documents is by putting them into chat in the Zoom.

23 So I'm going to introduce an exhibit, and in part

24 just to make sure that this way of doing things will work

25 and that you can access the exhibit and so forth.

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2 This will be Exhibit 1, and let me know if you're

3 able to access this document.

4 A I don't know how long it should take, but I

5 haven't received anything.

6 MR. RETHY: So Landon, have you received it?

7 MR. THAMES: Yes, I have it.

8 (Exhibit 1 was marked for identification.)

9 BY MR. RETHY:

10 Q So do you see -- do you see the chat window or on

11 the bottom the chat icon?

12 A Yes, I've got chat pulled up.

13 Sorry. It looks like I'm going to have to

14 download it and save it to the computer.

15 Q You should be able to click on the PDF icon that

16 appears in the chat, and it will open up.

17 A Okay.

18 Q Do you have the document now?

19 A I do.

20 Q What's the title of this document?

21 A "Facility Use Policy."

22 Q Are you familiar with this document?

23 A Not this one in particular, no.

24 MR. RETHY: So I'm going to mark another exhibit.

25 This will be Exhibit 2.

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2 MR. RETHY: So I guess let's go off the record

3 for a few minutes just to deal with this technical

4 issue.

5 VIDEOGRAPHER: Going off the record. The time is

6 9:36 a.m.

7 (Recess was taken.)

8 (Exhibit 2 was marked for identification.)

9 VIDEOGRAPHER: We're now back on the record. The

10 time is 9:54 a.m.

11 BY MR. RETHY:

12 Q Okay. So I marked a document as Exhibit 2. This

13 is a document that's Bates-stamped Lafayette County 000006.

14 Do you have that document?

15 A Lafayette County DOC00006?

16 Q Yeah.

17 A I do.

18 Facility Use Policy?

19 Q Yes.

20 Are you familiar with this document?

21 A Yes.

22 Q So what's your understanding of this document?

23 A Just basically tells the public what they can and

24 cannot do on the county grounds, when and when they cannot

25 be there, and what they can and cannot have while they're

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2 Let me know when you have this one open.

3 MR. O'DONNELL: Isaac, it's not pulling up.

4 Is this the 2019 policy?

5 MR. RETHY: Yeah.

6 MR. O'DONNELL: Okay. I can just, I'll just

7 show --

8 If we can just identify it by Bates number, we

9 can --

10 How about we do that? Refer to it by Bates

11 number. I'll show him the actual document. And to the

12 extent that you're not using a Bates number, I'll be

13 going to the chat. For some reason his computer --

14 We're using both computers. His computer we're

15 using to pull the document up, and it's not

16 cooperating.

17 MR. RETHY: So could I e-mail the documents?

18 MR. O'DONNELL: Yeah, you can e-mail me, and I'll

19 print them off, and then we can do it that way.

20 How about that?

21 MR. RETHY: Okay. So I will send you --

22 So I just sent you a link that has all of the

23 potential exhibits.

24 MR. O'DONNELL: Okay, Isaac, I'll go get it,

25 thanks.

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2 there, and what process they need to go through in order to

3 secure a permit to be there.

4 Q So this document says its effective date is

5 March 4, 2019; is that right?

6 A Correct.

7 Q And so this document was amended as of March 4,

8 2019; correct?

9 A I don't know the answer to that. I don't

10 remember the day that we amended it.

11 Q Do you recall in February or March of 2019 the

12 policy being amended?

13 A I really don't remember the day we amended it.

14 Q Do you remember it being amended at all in 2019?

15 A Yes.

16 Q And what's your recollection of why it was

17 amended?

18 A It was amended due to the concern for public

19 safety at the request of or in conversations with our law

20 enforcement then actually to reduce the time for people to

21 be able to secure a permit and be able to use the facilities

22 for whatever need that they wanted.

23 Q Did you say to reduce the time?

24 A Yeah. It went from 30 days to 14 days. The

25 permit -- to obtain the permit went from 30 days to 14 days.

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2 Q Could you turn to the page that's stamped "9" on

3 this document?

4 A Okay.

5 Q Do you see there's a section that says

6 "Application for Use"?

7 A Yes.

8 Q And then you see the second bullet says,

9 "Application should be submitted to the county administrator

10 at least 30 days in advance of the day they need it"?

11 A Mm-hmm.

12 Q So does that change your testimony about, you

13 know, what this policy required in terms of advanced notice

14 for permit applications?

15 A My recollection is from the --

16 I think we discussed it in July. That was the

17 changes made in July.

18 Q July of which year?

19 A '20 -- 2020.

20 Q But as of this policy, the 30-day requirement was

21 in place; correct?

22 A I don't know.

23 Q So if you go back to --

24 Go back to Exhibit 1. So this is the one that

25 starts with the stamp number 2.

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2 that advanced notice requirement from 30 days to 14 days; is

3 that correct?

4 A Correct. Correct.

5 Q And do you recall why that change was made?

6 A That change was made to -- just to make it easy

7 on the applicant. We felt that 14 days, in conversations

8 with our sheriff, would be enough time for him to evaluate

9 and for Ms. Carwyle to be able to review it.

10 Q Does the board of supervisors approve or deny

11 individual permit applications?

12 A No, we do not.

13 Q Does the board of supervisors ever consider

14 individual permit applications?

15 A No, we do not.

16 Q So the board of supervisors, you never --

17 You don't recall ever having discussed the

18 particular permit application in a board of supervisors

19 meeting?

20 A Any particular?

21 Q Anyone.

22 A No.

23 Q So who has the responsibility for approving or

24 denying particular permit applications?

25 A Our county administrator, Lisa Carwyle.

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2 A Yes, sir.

3 Q And this is the Facility Use Policy dated

4 April 20, 2015?

5 A Correct.

6 Q If you look at the third page of this document,

7 it's stamped 4, and then you can see there's a similar

8 application for usage section; right?

9 A Correct.

10 Q Do you see in this one, the second bullet says,

11 "Application should be submitted to the county administrator

12 at least one week in advance of the day needed," right?

13 A I see that, yes.

14 Q So doesn't that suggest that the policy was

15 changed in 2019 to go from one week advanced notice to 30

16 days advanced notice?

17 A That's suggests and I would agree with it, yes.

18 Q Do you recall why that change was made in 2019?

19 A No.

20 Q You said, no, no recollection of that?

21 A No.

22 Q And then you mentioned there being a subsequent

23 change from 30 days to 14 days; right?

24 A I'm sorry?

25 Q You mentioned that later there was a change in

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2 Q And do you have an understanding of the factors

3 or reasons that she considers whether to permit or deny a

4 permit application?

5 A I think that's a better question for Ms. Carwyle.

6 Q So you have no understanding of what she

7 considers?

8 A No, not in detail. No, I do not.

9 Q Is it a matter of her discretion?

10 A I wouldn't say discretion.

11 I would say whatever --

12 If they qualify for whatever the requests are or

13 based on our ordinance or policy language that she

14 wouldn't -- it's not really at her discretion.

15 She does have the yes-or-no or the authorization.

16 But as far as someone, you know, plays by the rules and by

17 the guidelines, I don't see any reason why they would be

18 denied.

19 (Exhibit 3 was marked for identification.)

20 BY MR. RETHY:

21 Q Let's look at what I'll mark as Exhibit 3, and

22 this is Tab 3. It's a document number starting at _0052.

23 It goes from 47 to 364.

24 MR. O'DONNELL: What's the Bates number on that

25 again, Isaac?

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2 MR. RETHY: _52.

3 MR. O'DONNELL: _52. Lafayette County _52.

4 Isaac, did you reference a Tab number?

5 MR. RETHY: It's 3.

6 MR. O'DONNELL: Tab 3. Let me go back and check

7 your e-mail again and make sure I printed that one off.

8 Hang on.

9 THE WITNESS: Okay, I have it.

10 BY MR. RETHY:

11 Q This is a document that says -- that's titled

12 "Order: Amend Facility Use Policy Regarding Use of

13 Courthouse Grounds," correct?

14 A Correct.

15 Q And when it refers to "courthouse grounds,"

16 what's your understanding of what that refers to?

17 A The courthouse itself, the surrounding area, and

18 the confederate monument.

19 Q And --

20 A And the surrounding area would be the grass and

21 trees.

22 Q And when you say "courthouse" itself, which

23 courthouse is that?

24 A Lafayette County Courthouse.

25 Q Are you familiar with this document?

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2 A Correct.

3 Q So if there's a group of five people sitting

4 on -- sitting on one or two of those benches, would they

5 need a permit?

6 A No, they would not.

7 Q Why is that?

8 A The reason being is that they're not trying to

9 portray any type of -- there's no agenda there other than to

10 just be there and enjoy the day or conversation.

11 Q So five or more people need a permit when they're

12 engaging in some sort of political type of conduct, but they

13 don't need a permit when they're not?

14 A I wouldn't say, per se, that it's political. It

15 could be basically for any reason. But, I mean, we can't

16 control people that just stop by and, you know, that are

17 walking through the grove -- or I'm sorry -- walking through

18 the courthouse and just sit down and have a conversation and

19 eat their ice cream from YaYa's. It's totally different

20 than someone who is going to be there for a substantial

21 amount of time.

22 Q This order doesn't itself say anything about the

23 amount of time -- any kind of like time-based trigger for

24 requiring a permit; right?

25 It just speaks in terms of being more or less

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2 A This looks like a portion of our minutes.

3 Q It reflects a motion that the supervisors voted

4 on, including yourself; correct?

5 A Correct.

6 Q And do you recall voting on this motion?

7 A I do, yes.

8 Q And this states in part that four people or less

9 do not require a permit, but five or more people gathering

10 require a permit; is that fair?

11 A Correct.

12 Q And what's your understanding of what "five or

13 more people gathering" means?

14 A I couldn't hear you.

15 Q What's your understanding of what "five or more

16 people gathering" means?

17 A Five or more people that not in any type of

18 motion as far as walking. They are --

19 They're still.

20 Q You said, "They're still"?

21 A Correct, yeah. Like at some type of protest that

22 they are -- they're no longer walking. They are congregated

23 in a certain area attempting to display their message.

24 Q So there's park benches on the courthouse

25 grounds; right?

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2 than five people?

3 A That's correct.

4 Q And so who --

5 Who has the authority to make the decision as to

6 whether, you know, a group of people are gathering on the

7 courthouse grounds is a group that needs a permit or a group

8 that doesn't need a permit?

9 A Well, I wouldn't say that anybody who doesn't

10 need a permit or needs a permit. It's basically who --

11 I really don't know how to answer your question

12 because, again, we can't control if five college students

13 are walking across the courthouse square and sit down just

14 to enjoy an ice cream, or a family, for that matter, you

15 know. And if they're there for 15 minutes or 30 minutes, to

16 me it's not really comparing apples-to-apples or

17 oranges-to-oranges.

18 Our law enforcement is not stationed there, so

19 they can't, you know --

20 I guess over five that would actually stop would

21 be against the ordinance, but we do not have law enforcement

22 there stationed there 24/7 to regulate the ordinance.

23 Q So this order says towards the end, it references

24 a 30-day period for making the application, and then it

25 says, "The board of supervisors and/or the sheriff shall

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2 determine whether to waive the 30-day period."

3 Do you see that?

4 A Yes.

5 Q So has the board of supervisors ever considered

6 whether to waive a 30-day application period?

7 A Not to my recollection.

8 Q Are there --

9 Do you have an understanding of what factors the

10 board of supervisors would consider if asked to waive this

11 30-day period?

12 A I can't speak to that because I don't know if

13 they've ever been requested to waive it.

14 Q Do you know whether the sheriff has ever been

15 asked to waive any advanced notice period for a permit

16 application?

17 A Do I know?

18 No, I do not.

19 Q Do you know whether the county administrator has

20 the authority to waive the 30-day period?

21 A No.

22 Q And no, you don't know or, no, she does not?

23 A No, she does not.

24 MR. RETHY: So let's go to Tab 4, and this is

25 document _001. This will be Exhibit 4.

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2 A I wouldn't say so.

3 Q If someone wanted to know, like today when is 30

4 days -- when is 30 minutes before dusk, how would they

5 figure that out?

6 A I don't know. I don't know the answer to that

7 question. I guess we'd have to look at the definition of

8 dusk, and I don't know what the definition of dusk is right

9 offhand.

10 Q Was it your choice to include the concept of dusk

11 in this order?

12 A No. I think it was mutual.

13 Q Mutual among who?

14 A The board of supervisors.

15 Q So today, given the time of year, sunset in

16 Oxford is at 4:50 p.m. And so does that mean that at or --

17 Given that we don't really know what dusk is, but

18 it's also 30 minutes before dusk, does that mean that

19 probably by 4:50 p.m. the courthouse grounds are closed per

20 this order?

21 A I don't know the official time.

22 I don't know that dusk has an official time, so I

23 can't speak to that.

24 Q If you don't know what dusk is, how does this

25 order get enforced?

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2 (Exhibit 4 was marked for identification.)

3 A Okay.

4 BY MR. RETHY:

5 Q And this is a document with a somewhat lengthy

6 title, but the first line of the title is "Order: Approve

7 Revision of Facilities Use Policy," correct?

8 A Yeah, Order: Approve Revision of Facilities Use

9 Policy to Include A."

10 That's the first line.

11 Q And this is another order that reflects a motion

12 that was carried by the board of supervisors; correct?

13 A Correct.

14 Q And it states that this motion was made by you?

15 A That's correct.

16 Q And the substance of the motion is to revise the

17 Facilities Use Policy to include a requirement that

18 application be made at least 14 days prior to the date of

19 proposed use and required closure of courthouse grounds,

20 including the confederate statute area, 30 minutes before

21 dusk; correct?

22 A That's correct.

23 Q So what's your understanding of what dusk is?

24 A The time of day between daylight and dark.

25 Q Is it the same as sunset?

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2 A You need to vacate the property before dark.

3 Q So given the time of year, that means potentially

4 as early as around 5 p.m. or 5:30 p.m.; is that right?

5 A Dark.

6 Q Which is around 5:00, 5:30 this time of year?

7 A It depends based on the weather or clouds or

8 sunshine, but approximately 5 p.m., but it could be before

9 or after.

10 Q So anyone who's on the courthouse grounds after

11 approximately 5 p.m. is in violation of this order; correct?

12 A No.

13 Anyone after dusk or dark would be in violation.

14 There's no time set.

15 Q So that varies day by day depending on --

16 depending on the time of year and depending on weather

17 conditions and so forth.

18 Is that what you're trying to say?

19 A Correct.

20 Q Are you aware of this order ever having been

21 enforced?

22 A Yes. That's why I'm giving this deposition.

23 Q So other than the permit denial with respect to

24 John Rash, are you aware of this order ever having been

25 enforced?

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2 A The order is enforced on a daily basis to my

3 knowledge.

4 Q To your knowledge, has anyone ever been cited or

5 arrested as a result of this order?

6 A No.

7 Q So when you say it's enforced, could you describe

8 what you mean?

9 A No. You'd have to ask the sheriff how he

10 enforces it.

11 Q This says it requires closure of the courthouse

12 grounds.

13 What's your understanding of what "closure"

14 means?

15 A You're not allowed to be on the grounds.

16 Q So are there any dates or barricades that prevent

17 people from accessing the grounds?

18 A No.

19 Q Are there any signs that inform people that

20 they're not allowed to be on the grounds?

21 A There's no signs that I'm aware of.

22 We're still in the --

23 The county administrator, I believe, is

24 actually -- those are ordered and kind of waiting on them to

25 arrive and be installed.

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2 I think their presence has probably deterred

3 some, yes.

4 Q What individuals or groups have been deterred

5 from rioting or vandalism by the presence of law

6 enforcement?

7 A I don't know any particular group.

8 Q So the issuance of this order I guess was in

9 response to protests or associated civil disturbance of the

10 type that occurred this past summer?

11 A Can you repeat the question, please?

12 Q You agree that this order was issued in response

13 to the protests or forms of civil disturbance that occurred

14 in various cities in the summer of 2020?

15 MR. O'DONNELL: Object to form. You can answer.

16 A Yes.

17 BY MR. RETHY:

18 Q Was this a proposal that you --

19 Was this order the result of a proposal that you

20 developed personally?

21 A Can you repeat the question, please?

22 Q Basically was this -- was it your idea?

23 You made the motion that reflects that this was

24 your initiative or this was your idea?

25 A No.

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2 Q So is it your understanding that if someone was

3 sitting on one of the benches on the courthouse grounds

4 after dark, say around 7 p.m. this time of year, that

5 they're in violation of county ordinance?

6 A Correct.

7 Q Are you aware if the sheriff ever had to ask

8 someone to leave the courthouse grounds after dusk?

9 A I'm not aware, no.

10 Q So what was the --

11 What was the reason for issuing this order,

12 closing the courthouse grounds 30 minutes before dusk?

13 A The reasoning was due to the concern just across

14 the country, the growing tension and seeing how some cities

15 were being vandalized, rioted, and just as a concern for

16 county property and our citizens.

17 Q To your knowledge, has there been any rioting or

18 vandalism in Oxford this year?

19 A No, thanks to our --

20 Thanks to our law enforcement, no, sir.

21 Q When you say thanks to law enforcement, are you

22 thinking of any specific instance where you believe law

23 enforcement prevented rioting or vandalism?

24 A I think their presence has deterred a lot.

25 I'm sorry. I want to rephrase that.

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1 D. RIKARD

2 Q Whose initiative was it?

3 A It was collaborative.

4 Q Among who?

5 A The board of supervisors and discussions with our

6 law enforcement.

7 Q And when did those discussions begin?

8 A I believe the original discussions began around

9 March of 2020.

10 Q What was the nature of those discussions?

11 A Our sheriff began voicing concern about being

12 able to protect the county property.

13 Q And where did those discussions take place?

14 A Mostly in executive session -- or in executive

15 session.

16 Q These were oral discussions not involving written

17 communications?

18 A Correct.

19 Q Did the nature of those discussions change going

20 into the summer as a result of the increased protest

21 activity?

22 A I wouldn't say they changed. I would say they --

23 the sheriff just became --

24 I think the conversation was the same. The

25 sheriff continued to show his growing concern.

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2 MR. RETHY: Turn to Tab 6. Let me -- this is

3 document 20, _0020. This will be Exhibit 5.

4 (Exhibit 5 was marked for identification.)

5 A What is the document?

6 BY MR. RETHY:

7 Q It's _0020, and it's hard to see the document

8 number because there's handwriting that is kind of right on

9 top of it.

10 MR. O'DONNELL: Isaac, is this the Facilities

11 Application Permit? It looks like it's Jessie

12 Honeycutt?

13 MR. RETHY: Yeah.

14 MR. O'DONNELL: Okay. It's just a single page?

15 MR. RETHY: Correct.

16 MR. O'DONNELL: Okay.

17 BY MR. RETHY:

18 Q Are you familiar with this document?

19 A The document, yes. This particular one, no.

20 I'm familiar with the application, but not Jessie

21 Honeycutt's application.

22 Q Do you know who Jessie Honeycutt is?

23 A No, I do not.

24 Q And it says in the middle of the form, there's a

25 line for explanation of use, and it says "Memorial service

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2 A Same answer: I know the document, but I don't

3 know the application -- or this particular application. I

4 haven't seen it until -- until today.

5 Q Do you know who George Johnson is?

6 A Yes, I do know who George Johnson is.

7 Again, I want to make note, not personally, not a

8 fan of George Johnson.

9 Q So what's your understanding of who Mr. Johnson

10 is?

11 A Mr. Johnson is a --

12 The only thing I know about Mr. Johnson is he's

13 in support of keeping the confederate monument where it is,

14 and that's basically from interviews that I've seen on TV.

15 I've never had a conversation with Mr. Johnson by

16 phone or text. I've never had any contact with Mr. Johnson.

17 Q So this event is scheduled for July 19, 2020;

18 correct?

19 A Correct.

20 Q And start time 9 p.m., correct?

21 A Correct.

22 Q And this permit is listed as having been granted;

23 correct?

24 A I don't see anything here that it was granted,

25 and I don't know that it was granted.

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2 for Anthony Hervey."

3 Do you see that?

4 A I do, yes.

5 Q Do you know who that is?

6 A I know --

7 I knew Mr. Anthony Hervey, yes, not personally,

8 but I know who he was, yes.

9 He wouldn't know who I was.

10 Q And what is your understanding of who Mr. Hervey

11 was?

12 A The only thing I know about Mr. Hervey is that he

13 would stand around the statue in confederate clothing and,

14 being an African-American man, that drew a lot of attention.

15 Q Is it fair to state that this application would

16 be for a pro confederate event?

17 A I don't know what Mr. Honeycutt's intentions were

18 besides a memorial service or Anthony Hervey. I don't go to

19 these events so...

20 Q Let's look at Tab 7, document number 22.

21 A Okay.

22 MR. RETHY: This will be Exhibit 6.

23 (Exhibit 6 was marked for identification.)

24 BY MR. RETHY:

25 Q Are you familiar with this document?

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2 Q Do you see the bottom of the page where it says,

3 "Permit," and it says "Granted" and "Denied"?

4 A Oh, okay. I do see that, yes. It does say,

5 "Granted."

6 Q It's granted?

7 A Correct.

8 Q So do you recall this event having taken place?

9 A No, I do not.

10 Q Do you recall any discussions around this event?

11 A No. Not personally with me, no.

12 Q So this event would have been one day before the

13 policy was changed to close the courthouse grounds 30

14 minutes before dusk; correct?

15 A I'm sorry. Can you repeat the question?

16 Q So this event would have been one day before the

17 order closing the courthouse grounds 30 minutes before dusk;

18 correct?

19 A I don't remember the exact date it went into

20 effect.

21 Q If you look at Exhibit 4, the document stamped 1,

22 that's the order with the 30-minutes-before-dusk closure,

23 and that's dated July 20.

24 MR. O'DONNELL: Is that document 1, Isaac?

25 MR. RETHY: Yes, stamped _001, yes.

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1 D. RIKARD

2 MR. O'DONNELL: Gotcha, all right.

3 A This says it's the 20th day of July, 2020. It

4 would have gone into effect immediately.

5 BY MR. RETHY:

6 Q Right. So this event was scheduled to be held

7 July 19, which is one day before that?

8 A Okay. I agree, yes.

9 Q Do you recall any discussions of any sort about

10 this event?

11 A I'm sorry?

12 Q Do you recall any discussions of any sort

13 regarding this event, the George Johnson event?

14 A No, I do not.

15 MR. RETHY: Let's go to Tab 14.

16 MR. O'DONNELL: What's the Bates number?

17 MR. RETHY: _261 to _265.

18 (Exhibit 7 was marked for identification.)

19 A I have those documents.

20 BY MR. RETHY:

21 Q Okay. So could you turn to the document that's

22 stamped _265?

23 A Okay.

24 Q Do you see this is an e-mail from June 8, (sic)

25 2020 from Lisa Carwyle?

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2 sort of cut off at the top; right?

3 A Yes. Well, it says, "Jetty Honey." I don't know

4 about the rest.

5 I can't confirm the rest of what you said, but it

6 does say "Jessie Honey," and the "y" is halfway cut off,

7 correct.

8 Q Right. And so this references like assembly on

9 June 19 for this year.

10 Do you recall there being an assembly on or

11 around the courthouse grounds on June 19 of this year?

12 A No, I do not.

13 Q Do you recall any pro confederate events having

14 taken place on or around the courthouse grounds in 2020?

15 A Yes.

16 Q And do you recall the dates of any of those?

17 A No, sir.

18 Q Do you recall whether they were in January or in

19 the summer?

20 A I would say that after us passing this, there

21 were becoming increasingly more protests. That was one of

22 the concerns is the protests and foot traffic and

23 pedestrians around the square.

24 MR. RETHY: Go to Tab 19. This is number _1438.

25 THE WITNESS: Okay.

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1 D. RIKARD

2 A June 18, yes, sir.

3 Q And this reference is a permit application --

4 sorry, stepping back.

5 So this e-mail is sent to Joey East, David

6 O'Donnell, and then supervisor.

7 Would you have received this e-mail?

8 A Yes.

9 Q So the supervisor is like a group list that all

10 of the members of the board of supervisors are members of?

11 A To my knowledge, yes.

12 Q Do you recall this e-mail?

13 A No. I'm not saying that in any way I didn't

14 receive it. I just don't recall. I mean, we get a lot of

15 e-mails, so...

16 Q This references someone named Tim Warren.

17 Do you know who that is?

18 A I do not.

19 Q Now, if you could turn up to the page that's

20 stamped _262.

21 A Okay.

22 Q And do you see this looks like some sort of

23 poster at the top --

24 This is some sort of social media post or

25 something of that nature, which has Jessie Honey, and it's

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2 (Exhibit 8 was marked for identification.)

3 BY MR. RETHY:

4 Q So you see this is an e-mail that the header is

5 "Tomorrow is a PR Disaster for Oxford"?

6 A Yes.

7 Q Do you see that you received this e-mail?

8 A Correct.

9 Q Do you recall receiving this e-mail?

10 A No, sir.

11 Q And so this e-mail says --

12 It starts saying, "The man who was approved a

13 last-minute permit on June 15 for Juneteenth to focus on

14 emphasizing only White Lives Matter on the courthouse lawn

15 posted images such as attached (warning, it is graphic) and

16 talks about other white people about a rally."

17 Do you understand what Juneteenth is?

18 A Yes.

19 Q And that's --

20 And the date --

21 This says here Juneteenth, is the 19th of June;

22 correct?

23 A I believe so.

24 Q And so this references a last-minute permit on

25 June 15 for June 19; correct?

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2 A It references that, yes.

3 Q Do you have --

4 Do you have any recollection of discussions

5 regarding the permit that's being referenced here?

6 A No. I do know it wouldn't have been last minute.

7 This is someone's opinion of what happened. This

8 is not factual what happened. I think that entire statement

9 is her opinion, not that I agree or disagree with it, but

10 that entire statement is opinion, not factual.

11 Q When you receive e-mails like this, is it your

12 practice to read them?

13 A I read every e-mail, yes.

14 Q And would you respond to an e-mail like this?

15 A No, I would not.

16 Q Why not?

17 A Generally I try to have a conversation with the

18 person.

19 E-mails can be -- the context or just portions of

20 the e-mail can be used against us, against myself.

21 Q Do you recall having a conversation with the

22 writer of the e-mail about this -- the subject matter of the

23 e-mail?

24 A No.

25 The only time I respond to e-mails that were

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2 Q Do you know who would have made the decision to

3 waive the 30-day requirement?

4 A I do not.

5 Q You testified earlier that the only -- the only

6 people with that authority are the board of supervisors and

7 the sheriff; right?

8 A No, I don't know --

9 I don't know why this was waived. I don't recall

10 it, so...

11 Q Earlier I asked whether the county administrator

12 had the discretion to waive the 30-day requirement.

13 I believe you said that she did not.

14 Is that right or --

15 A Yeah, to my knowledge she does not.

16 Q So who does have that authority?

17 A I believe the board of supervisors. No one else.

18 Q Not the sheriff?

19 A No.

20 Q And so the board of supervisors is the only

21 county government body with the authority to waive the

22 advanced notice requirement, but yet also you said the board

23 of supervisors has never, to your knowledge, considered any

24 particular -- any individual permit application?

25 A I'm sorry. Can you ask that again?

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2 regarding the statue or some protest would be if I knew the

3 person lived in District 3, and I would try to respond to

4 them.

5 I represent District 3., so I would try to reply

6 to my constituents, but no one else. I let the other

7 supervisors handle their own districts in their own way.

8 Q Now, if you'll turn back to the last document we

9 looked at.

10 A Which was?

11 Q _261 to _265 or _66.

12 A Okay.

13 Q If you look at the page _264.

14 A Yes, sir.

15 Q So you see this is a permit application?

16 A Correct.

17 Q And the date of application is 6/17/20?

18 A Correct.

19 Q And then you see the event is 6/19/20?

20 A Correct.

21 Q So that means that this application was made two

22 days before the event; right?

23 A Right.

24 Q So that is certainly less than three days; right?

25 A Correct.

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1 D. RIKARD

2 Q So you just testified that the board of

3 supervisors is the only county -- only, you know, body in

4 county government with the authority to waive the permitting

5 advanced notice requirement; correct?

6 A To my knowledge, yes, sir.

7 Q And that means the board of supervisors acting

8 together, right, not like individual supervisors acting on

9 his own?

10 A I'm sorry. You'll have to ask that again.

11 Q In order for the board to waive this, it has to

12 be the board acting together, correct, by majority vote and

13 so forth, not --

14 Could you, yourself, without the involvement of

15 any other supervisors, waive this requirement?

16 MR. O'DONNELL: Object to form.

17 A No. It has to be a majority.

18 BY MR. RETHY:

19 Q Has the board of supervisors ever considered a

20 request to waive an advance notice requirement for a permit

21 application?

22 A Not that I recall.

23 Q To the extent this permit was applied for, for an

24 event two days after the application date, because the board

25 of supervisors didn't waive the requirement, this is

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2 contrary to county policy?

3 A I don't understand the question.

4 Q The board of supervisors did not waive the

5 requirement in connection with Mr. Warren's application that

6 we're looking at; correct?

7 A I'm sorry. I couldn't hear you.

8 Q So look at document _264. It's Tim Warren's

9 application?

10 A Correct.

11 Q And this is what we just discussed.

12 The application was two days before the event;

13 correct?

14 A Correct.

15 Q And do you see at bottom that it was granted;

16 correct?

17 A Correct.

18 Q And the board of supervisors did not approve a

19 waiver of the 30-day requirement for this application;

20 correct?

21 A I do not recall this application or anything to

22 do with it. I apologize.

23 Q So this was a violation of county policy to

24 approve this, without waiving, in that the application was

25 two days before the event?

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2 (Exhibit 9 was marked for identification.)

3 BY MR. RETHY:

4 Q So I think you'll see this is another permit

5 application form; right?

6 A I'm sorry?

7 Q This is --

8 You can see this document is another permit

9 application form?

10 A _003?

11 Q _0030.

12 MR. O'DONNELL: _30, right.

13 MR. RETHY: Yeah.

14 THE WITNESS: Oh, I'm sorry. I am a little hard

15 of hearing. I apologize. I should have probably

16 stated that earlier. I thought you said _03. I

17 apologize.

18 MR. RETHY: No problem.

19 THE WITNESS: Okay. I have that now.

20 BY MR. RETHY:

21 Q Okay. So now you see this is a permit

22 application; right?

23 A Correct.

24 Q Are you familiar with this document?

25 A Again, same answer. Familiar with the

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1 D. RIKARD

2 MR. O'DONNELL: Object to form. Go ahead.

3 A Well, the policy says that it can be waived.

4 BY MR. RETHY:

5 Q But your testimony is that it can only be waived

6 by the board of supervisors.

7 A To my knowledge, correct.

8 Q And the board of supervisors did not waive it?

9 A I didn't say that.

10 What I said was, I don't recall any -- this

11 entire permit.

12 VIDEOGRAPHER: Excuse me. We're going to have to

13 change the media.

14 MR. RETHY: Let's take a five-minute break, if

15 that's okay.

16 VIDEOGRAPHER: We're going off the record. The

17 time is 10:59 a.m.

18 (Recess was taken.)

19 VIDEOGRAPHER: This the start of media number 2.

20 We're now back on the record. The time is 11:14 a.m.

21 MR. RETHY: All right. So I'm going to turn to

22 Tab 9A. This is document _003.

23 THE WITNESS: _003?

24 MR. RETHY: _30.

25 THE WITNESS: Okay.

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2 application, but not this application in particular.

3 Q So do you see that this is from an organization

4 called Projection?

5 A Yes.

6 Q And the contact name is J.F. Rash?

7 A Yes.

8 Q Do you know what Projection is?

9 A No.

10 Q And if you go down to "Explanation of Use," it

11 says, "Artists installations with light and projectors onto

12 screens and courthouse objects."

13 Do you see that?

14 A Yes.

15 I'm sorry. I thought you were asking if I knew

16 like the entity Projections and who they were.

17 I do understand what "projection" is, yes.

18 Q Right. But I guess --

19 Yeah, I was talking about the specific group or,

20 you know, the --

21 A I'm not familiar with them, no, sir.

22 Q So do you know who John Rash is?

23 A No.

24 Q Do you have any recollection of projected images

25 being displayed, you know, on the courthouse walls or on

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1 D. RIKARD
2 other buildings around the square?
3 A Not on the courthouse.
4 I believe that City Hall has been used. I
5 haven't witnessed it personally, but I've been told.
6 Q So was the --
7 So you see here that the permit was denied,
8 right, at the bottom?
9 A Correct.
10 Q Did the board of supervisors consider this permit
11 application?
12 A No.
13 Q Do you have an understanding of who would have
14 made the decision to deny the permit?
15 A Ms. Carwyle, the county administrator.
16 MR. RETHY: Turn to Tab 38. And this is a --
17 this is a photograph. It's not -- it's not a document
18 with a Bates number. This will be Exhibit 10.
19 (Exhibit 10 was marked for identification.)
20 THE WITNESS: Exhibit B-10?
21 MR. RETHY: No. It's not in the package of
22 exhibits there with dash numbers. It's a stand-alone
23 photograph.
24 THE WITNESS: I'm sorry. Tell me the number
25 again.

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2 again.
3 MR. RETHY: If these are introduced -- I believe
4 we're at Exhibit 14 -- or through 13. The next will be
5 14.
6 (Exhibit 11 was marked for identification.)
7 (Exhibit 12 was marked for identification.)
8 (Exhibit 13 was marked for identification.)
9 THE WITNESS: Okay. I have them.
10 BY MR. RETHY:
11 Q All right. So if you look at Tab 38, which is an
12 image of a projection of a scene where it looks like there's
13 sort of an overpass, and then there's some people on cars in
14 the foreground.
15 A Okay.
16 Q Is it correct that this is a projection on the
17 wall of the county courthouse?
18 A I can't honestly identify if this is our
19 courthouse or not. It's obviously a projection on a
20 building.
21 Q And what about 39, which is a similar picture,
22 projection on the wall with some graffiti on it.
23 A Do you know which side of the courthouse this
24 would have been on?
25 Q I do not.

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1 D. RIKARD
2 MR. RETHY: Tab 38.
3 MR. O'DONNELL: Isaac, when they printed off,
4 they didn't come across as a tab, reference to the Tab.
5 MR. RETHY: So, I mean, is it something we can
6 get help?
7 MR. O'DONNELL: Let me see if I can figure that
8 out.
9 Can you describe what it is?
10 MR. RETHY: It's a photograph of an imaging
11 projected on the courthouse wall.
12 MR. O'DONNELL: Okay. There's two photographs.
13 One has two people shown with the projection, and the
14 other has three people.
15 MR. RETHY: So there's three similar photographs.
16 MR. O'DONNELL: And there's -- yeah, then there's
17 one projection on the statue itself.
18 Is that it?
19 MR. RETHY: There's three photographs with
20 projection on the courthouse and one with projection on
21 the statue. I'll introduce all of them since --
22 MR. O'DONNELL: Okay. Again, the tab reference
23 is what?
24 MR. RETHY: This is Tab 38, 39, 40 and 41.
25 MR. O'DONNELL: 38 through 41. I'll check that

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1 D. RIKARD
2 A I mean, I agree it's a projection on a building.
3 Q You have no recollection of these projections
4 having been made on the courthouse; right?
5 A Not on our courthouse, I don't have any
6 recollection, no, sir. I'm not aware.
7 It's not that I can't remember. I'm just not
8 aware of any.
9 Q If you look at the last image, it is a projection
10 on a column. It says, "Take It Down."
11 A Yes, sir.
12 Q Do you see that?
13 A I do, yes.
14 Q Can you identify what that -- what those words
15 are being projected on?
16 A That is a confederate monument in front of the
17 courthouse -- reflecting on a courthouse.
18 Q Do you recall this having been projected on the
19 monument?
20 A I did not see it, but I did hear about it.
21 Q And how did you hear about it?
22 A I mean, I don't recall exactly how I heard about
23 it.
24 Q Do you recall any specific conversations about
25 this?

<p style="text-align: right;">Page 50</p> <p>1 D. RIKARD</p> <p>2 A I mean, we were -- we were aware that it had</p> <p>3 taken place, yes. I was aware it had taken place, yes.</p> <p>4 Q Did you discuss this with the sheriff?</p> <p>5 A Yeah, I believe we did in executive session.</p> <p>6 Q What was the nature of that discussion?</p> <p>7 A I believe at the time it was just in general</p> <p>8 conversation, you know, the courthouse and statue, and it</p> <p>9 was just a general conversation about the -- about</p> <p>10 everything going on at the time, the protests being</p> <p>11 projected. I know that it was a concern of the sheriff</p> <p>12 because --</p> <p>13 I hate to say this under testimony, but the way I</p> <p>14 recollect it is that I believe it was being projected from</p> <p>15 across the street, which was a concern for him about traffic</p> <p>16 and the light being shown across the street.</p> <p>17 Q Did the board of supervisors take any action in</p> <p>18 response to this projection?</p> <p>19 A I can't remember what action was taken. I don't</p> <p>20 remember us taking any action.</p> <p>21 Q Did the sheriff take any action?</p> <p>22 A Not that I recall.</p> <p>23 MR. RETHY: Let's go to -- go to Tab 11.</p> <p>24 MR. O'DONNELL: Which is what, Isaac?</p> <p>25 MR. RETHY: Forty-six.</p>	<p style="text-align: right;">Page 51</p> <p>1 D. RIKARD</p> <p>2 MR. O'DONNELL: Document 46.</p> <p>3 THE WITNESS: Okay.</p> <p>4 MR. RETHY: This is -- this will be Exhibit 14.</p> <p>5 (Exhibit 14 was marked for identification.)</p> <p>6 BY MR. RETHY:</p> <p>7 Q So this is an e-mail with the subject line "Ole</p> <p>8 Miss Football March," right?</p> <p>9 A Right. Okay.</p> <p>10 Q And the top e-mail is an e-mail that you sent;</p> <p>11 correct?</p> <p>12 A Correct.</p> <p>13 Q Do you recall sending this e-mail?</p> <p>14 A I did.</p> <p>15 Q And do you recall the circumstances that are</p> <p>16 being discussed in this e-mail chain?</p> <p>17 A Yes. This was after a --</p> <p>18 This was after a protest by the Ole Miss football</p> <p>19 team that we were not aware of was going to happen.</p> <p>20 Q And was that --</p> <p>21 Was that protest a cause for concern by the board</p> <p>22 of supervisors?</p> <p>23 A The short answer is yes. Anytime that we have a</p> <p>24 large group of people that are walking up South Lamar, which</p> <p>25 is one of our major -- one of our main streets in Lafayette</p>
<p style="text-align: right;">Page 52</p> <p>1 D. RIKARD</p> <p>2 County, yes, it was a concern. It doesn't matter who it is.</p> <p>3 Q In your e-mail you say, "I know this is taking a</p> <p>4 toll on all of us."</p> <p>5 Could you explain what you're referring to there?</p> <p>6 A Well, it was just a lot of e-mails, a lot of</p> <p>7 conversation, you know. It's -- there's nowhere to escape</p> <p>8 from it. You can't go to a high school football game. You</p> <p>9 can't go to an Ole Miss game. I mean, the sheriff, I'm</p> <p>10 sure, and the board of supervisors, this was on the</p> <p>11 forefront, and it was 24/7. It was media involved from</p> <p>12 every -- even national media about it.</p> <p>13 And so as far as taking a toll, it was just</p> <p>14 countless e-mails, conversation. I mean, it was just</p> <p>15 basically nowhere to relax.</p> <p>16 I know as far as the sheriff, it was taking a</p> <p>17 toll. Well, can't speak for him, but in conversations with</p> <p>18 him, it was taking a toll on his deputies and the time they</p> <p>19 were having to spend away from their families to provide law</p> <p>20 enforcement for the protests. So our community, we're not</p> <p>21 used to those kind of things.</p> <p>22 Q So when you're discussing the --</p> <p>23 So when you say it was taking a toll or this was</p> <p>24 taking a toll, what specifically are you referring to by</p> <p>25 "it" or "this," that description?</p>	<p style="text-align: right;">Page 53</p> <p>1 D. RIKARD</p> <p>2 MR. O'DONNELL: Object to form. You can answer.</p> <p>3 A The word is "this," and the entire -- entire</p> <p>4 situation, just -- actually 2020, I guess, as far as this</p> <p>5 was concerned. It was the protests and all of the stress</p> <p>6 that it's not only putting on ourselves, but our families.</p> <p>7 It's not this particular incident. It's the</p> <p>8 combination of everything that was going on regarding the</p> <p>9 statues and the movements that were taking place.</p> <p>10 BY MR. RETHY:</p> <p>11 Q If you look at the bottom of this page, the</p> <p>12 e-mail from Joey East September 3, you see at the end, "I'll</p> <p>13 be glad to speak with any of you about the events so that</p> <p>14 you will understand what happened and how quickly things</p> <p>15 escalate, why it is so important for us to continue to look</p> <p>16 at safety issues and the permitting process."</p> <p>17 Do you see that?</p> <p>18 A I do.</p> <p>19 Q And have you discussed with the sheriff, as he's</p> <p>20 inviting you to do?</p> <p>21 A This permitting is always a work in progress.</p> <p>22 I think the sheriff's concern was that we did</p> <p>23 have this policy in effect. And, you know, according to the</p> <p>24 policy, the football players, athletic director, and our new</p> <p>25 head football coach for the university were all in this</p>

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2 march, and they were --

3 It's my understanding they were given permission

4 by the mayor to take a picture around the monument. They

5 didn't have any authority that size of a gathering to become

6 stagnant and take pictures.

7 From what I was told the picture was to be taken,

8 and they were going to leave. That didn't happen either.

9 So it puts our sheriff in an extremely difficult situation

10 to exemplify or enforce the ordinances, you know, in just a

11 matter of a few minutes.

12 Basically this happened without our knowledge

13 and, you know, the last thing we want to do is arrest or

14 cause any kind of conflicts with anyone. So it would have

15 looked bad for us to be arresting our athletic director,

16 head football coach and director.

17 That's not the intent of the ordinance. The

18 ordinance is to -- the intent is for protection of all our

19 citizens.

20 With the sheriff not knowing, what he wanted was

21 to maybe have some additional leeway with protests or

22 gatherings that were done out of emotion instead of having

23 to, like in this instance, just being able to -- you know,

24 having to make the decision in just a matter of moments

25 whether to arrest or force people off the property, whatever

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2 A In the situation I'm referring to here, a

3 spontaneous occurrence or spontaneous protest, then that has

4 been discussed that he has -- he has the leeway to allow

5 that to happen without having to enforce the policy.

6 MR. RETHY: Okay, thanks. So I'm going to move

7 to what will be Exhibit 15, and this is Tab 11B, a

8 document that starts with _364.

9 (Exhibit 15 was marked for identification.)

10 BY MR. RETHY:

11 Q So you see the first --

12 So this is --

13 I guess what I'm looking at, and it may not be as

14 obvious for you, the structure, the document starts with

15 _364 and then goes up to _370.

16 A Okay. I have all that.

17 Q This first page, letter from Sheriff East, is

18 this the letter that's being discussed in the e-mail chain

19 that we just looked at?

20 A Correct.

21 Q Then if you turn to the next page, you see this

22 is a letter from Mayor Tannehill; is that right?

23 A Yes.

24 Q Have you seen this letter before?

25 A No, I have not. I was never --

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2 he has to do.

3 Q So since this time have you continued to look at

4 the permitting process?

5 A We have given leeway in the event that there is a

6 large community -- large community support to have something

7 around the courthouse, yes, that would be less than our

8 permitting process.

9 So basically if there's something that's a pretty

10 charged emotional -- regardless of what it is -- emotional

11 situation that people want to protest, then it's better, we

12 feel -- I feel -- speaking for myself -- to allow them to

13 protest instead of an emotionally charged situation like

14 that. If you try to deter them, then it might cause an

15 adverse reaction.

16 Q So is that reflected in any new orders or minutes

17 or other kind of formal county records?

18 A Not that I'm aware of.

19 Q But is it something that has been discussed with

20 the sheriff in terms of -- you know, in terms of having to

21 enforce the existing policies?

22 A I'm sorry?

23 Q So it's something that's been discussed with the

24 sheriff in terms of how best to enforce the existing

25 policies?

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2 I was not copied on the responses to the

3 sheriff's letters.

4 Q Did you at any time discuss the mayor's responses

5 to the sheriff's letters?

6 A No.

7 Q If you turn to page _370.

8 A Okay.

9 Q You see this is a copy of a check from Ole Miss

10 Athletic Foundation to the Sheriff's Office?

11 A Yes.

12 Q Were you aware that the Athletic Foundation made

13 this payment to the sheriff?

14 A No, sir, I was not.

15 Q Do you have an understanding of the circumstances

16 under which the sheriff can charge a person or a group for

17 law enforcement services?

18 A No.

19 MR. RETHY: Let's go to Tab 12, Exhibit 16.

20 (Exhibit 16 was marked for identification.)

21 BY MR. RETHY:

22 Q This is pages _55 to _56.

23 A Okay.

24 Q Do you see this is an e-mail from Lisa Carwyle

25 January 4, 2019?

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2 A Yes.

3 Q So do you have an understanding of what Oxford

4 Makers Market is?

5 A Somewhat.

6 Q What is your understanding?

7 A They have previously set up in the courthouse

8 grounds, and I believe they -- I know there's a lot of, I

9 believe it's artwork and maybe some handmade items that

10 are -- that are on display.

11 I've never been to the market, so I don't know.

12 Q Is it still set up on the courthouse grounds?

13 A I couldn't tell you the last time that they were

14 set up on the courthouse grounds.

15 Q Are you aware of any changes in the permitting

16 policy that would impact whether they could set up on the

17 courthouse grounds?

18 A No.

19 MR. RETHY: Let's go to 13.

20 (Exhibit 17 was marked for identification.)

21 BY MR. RETHY:

22 Q Tab 13, which is document _178 to _179.

23 A Okay.

24 Q Exhibit 16 (sic).

25 A I have _178, _179.

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2 Q Do you see that this is an e-mail from Lisa

3 Carwyle dated February 26, 2019?

4 A Yes, sir.

5 Q Do you see that it's sent to --

6 The "To" line is Kevin Frye and supervisor. So

7 this is an e-mail that you would have received via that

8 address?

9 A Correct.

10 Q And do you recall this e-mail exchange?

11 A No, sir.

12 Q So if you look at the top e-mail, Lisa Carwyle

13 says, "Yeah, your first three comments are on language that

14 was already in the policy and Makers Marker" -- presumably

15 meaning "Market" -- was allowed use before I ever came, so I

16 just kept letting them, even though it did not comply with

17 the language."

18 A Okay.

19 Q Do you understand what that means?

20 A No.

21 Well, I mean, I'm not Ms. Carwyle. I didn't

22 write the sentence.

23 My understanding is that she allowed them to

24 continue to use the courthouse even though, based on the

25 language, they shouldn't have been able to.

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1 D. RIKARD

2 Q So if you see, this is an e-mail from Lisa

3 Carwyle September 9, 2019?

4 A Okay.

5 Q And do you see it looks like three e-mails down

6 she states, "I apologize that I'm not able to approve your

7 permit request. Facilities Use Policy states the use of any

8 county facility that falls under this policy by

9 profit-making groups or for profit-making purposes and for

10 private social functions such as wedding, birthdays and

11 anniversary parties is prohibited."

12 Do you see that?

13 A I do.

14 Q And is it your understanding that that was a

15 revision to the policy that was implemented in 2019?

16 A I don't recall.

17 MR. RETHY: Let's do a new document. This will

18 be Exhibit 17 (sic). It's Tab 30, and this one is

19 FRYE0058 to _59.

20 (Exhibit 18 was marked for identification.)

21 A _0058 to _59?

22 Q Yes. But it starts with the stamp "FRYE" rather

23 than with the county stamp.

24 A You'll have to give me just a second.

25 Okay.

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2 Q And is that --

3 Is that something that she has the authority to

4 do?

5 A Well, she has the authority to deny permits, so

6 yes.

7 Q She has the authority to grant permits even where

8 the permit doesn't comply with the ordinance?

9 A Well, I think based on the statement you can see

10 that we weren't aware of it.

11 Q When you say "we," you mean board of supervisors?

12 A Correct.

13 Q And are you implying that she didn't have the

14 authority?

15 A No.

16 I'm just saying that we weren't aware that it was

17 going on.

18 Q So does the county administrator have the

19 authority to grant permit applications where the application

20 doesn't comply with county policy?

21 A I'm not --

22 I don't know the answer to that.

23 Q So you said that --

24 You said that we didn't know that this was going

25 on.

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2 What did you mean by that?

3 A We didn't know that they were being allowed to

4 use the -- or I didn't know that they were being allowed to

5 use it against policy language.

6 Q And was --

7 Did you do anything to --

8 When you learned that, did you do anything in

9 response to that?

10 A No.

11 I don't recall. I don't recall this situation.

12 I think you have to understand, I mean,

13 leading --

14 This is all really preceding the situation with

15 the protests and marches and so you'd have to ask

16 Ms. Carwyle, but I'm sure there was probably some lenience

17 prior to all this going on.

18 MR. RETHY: So I probably have an hour, hour and

19 a half more of questions, and so I don't know what

20 people, David, on your side want to do in terms of

21 taking breaks or breaking for lunch or not breaking for

22 lunch. Let me know what do you think.

23 This is an okay time for a break, but I don't

24 know whether we need a full lunch break. I'm

25 completely open to what you prefer.

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2 Q Does that take place in part on courthouse

3 grounds?

4 A No, sir.

5 The event is --

6 Several streets are blocked off. I believe it's

7 Van Buren and Jackson. It's around the square and down

8 those streets.

9 It's a lot of arts and crafts and night music,

10 but it's -- generally there's nothing as far as anything

11 being set up at all on the courthouse grounds itself.

12 Q Is this square ever crowded in the evenings?

13 A Sure.

14 Q When might that be?

15 A We have seen an extra amount -- or amount of

16 growth to about 50,000 people in our county. We're one of

17 the fastest-growing counties in the state numerous years.

18 The square and the makeup of the square, the

19 construction of the square, the design of the square has

20 never changed, so you can imagine the influx of people.

21 You know, generally lunchtime, afternoons, and

22 especially ballgame weekends -- or not even ballgame

23 weekends, but our baseball team --

24 When say "our," I mean the university.

25 But the baseball team is really good, and we

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1 D. RIKARD

2 MR. O'DONNELL: Yeah, Isaac, in a situation like

3 this we prefer to roll through lunch, but we can take a

4 five-minute break at your convenience, whatever. But

5 yeah, since you've only got an hour, hour and a half to

6 go, and David's got some business to attend to today,

7 so he'd prefer to keep going.

8 MR. RETHY: All right. Let's -- let's take,

9 let's say, ten minutes now.

10 MR. O'DONNELL: Okay, that's fine.

11 VIDEOGRAPHER: We're going off the record. The

12 time is 11:58 p.m. -- a.m.

13 (Recess was taken.)

14 VIDEOGRAPHER: This is the start of media

15 number 3. We're now back on the record. The time is

16 12:29 p.m.

17 BY MR. RETHY:

18 Q Are you familiar with something called the

19 Double-Decker Festival?

20 A Yes.

21 Q What is that?

22 A Annual festival that the City of Oxford has.

23 Q And that takes place in the square where the

24 courthouse is?

25 A It does.

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2 bring in one of the largest crowds for baseball in the

3 country.

4 So any given weekend when there is any type of

5 athletics or a graduation just, I mean, it's a very busy,

6 busy place.

7 Q That extends into the evening or night; right?

8 A Correct.

9 Q And are you familiar with there being a dedicated

10 detail of City of Oxford police that patrols the square?

11 A Yes.

12 Q And what's your understanding of that detail?

13 A Well, I'm 44, so I don't go to the bars anymore,

14 but passing through I know that, I believe it's Jackson

15 Avenue, I know they have -- I believe they call it the

16 mounted patrol with the horses and the law enforcement.

17 And then --

18 This is just my assumption, but there's also a

19 tent that's set up in the event that somebody needs

20 immediate help, and I have seen the policemen out there

21 playing Cornhole that's set up in front of that tent

22 intentionally to -- I'm assuming, again, intentionally to

23 keep a good rapport with the students and people that are

24 out at night just to make sure that they're there to help

25 and able to -- people feel comfortable being around them and

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2 ask for help.

3 Q And do you think in general that the Oxford

4 police are capable of patrolling the square?

5 A I do.

6 Q And do you have an understanding of there being

7 any video cameras, video surveillance of the square or the

8 courthouse grounds?

9 A Yes.

10 Q What's that understanding?

11 A I just know, I mean, through law enforcement that

12 there are. I don't know where the actual location of the

13 cameras are, but I know there are cameras on the square, and

14 that was due to -- my understanding, it was due to --

15 I mean, after a ballgame weekend, again, it's a

16 very small area. I mean, we'll bring 50,000 additional

17 people into the city, and so the streets are extremely

18 crowded. And so just to make sure that for the safety of

19 the people that are patronizing the bars that everyone is

20 safe.

21 Q Are you aware of any cameras that are installed

22 by the county or county property or feed to the Sheriff's

23 Department?

24 A We discussed it. I don't know that --

25 I can't remember if we purchased those. I know

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1 D. RIKARD

2 A Yeah, I have.

3 Q And what sort of communications do you engage in

4 with the other supervisors in group text?

5 A Well, I mean hunting or possibly the death of

6 someone, people who are sick, you know. It's important for

7 us, especially with the people that are well-known in the

8 community, you know, if something happens to them, we need

9 to send our condolences or, you know, prayers for them if

10 they're sick.

11 So we do try to keep each other informed in

12 circumstances like that.

13 Q What about topics like the ones we've been

14 discussing here like the permitting process or protests or

15 anything of that nature?

16 A No, sir.

17 Q Why not?

18 A Sunshine Law prohibits us from making any

19 discussion -- or not making any discussion, but making any

20 policy or decisions without a public forum or in the

21 executive session.

22 MR. RETHY: So I'm going to turn to Tabs 32, 33

23 and 34, and these are all pictures. They're pictures

24 of the statue.

25 MR. O'DONNELL: These are marked on the bottom.

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2 it was, we were trying to --

3 The last thing that I remember was --

4 You know, we only own the courthouse and the

5 statue, and so therefore we would have had to place the

6 cameras on personal property to be able to video the

7 courthouse and the grounds.

8 We would have had to get permission from, you

9 know, an owner -- property owner to be able to install it.

10 And they may be installed. I'm not sure.

11 Q Do you personally have access to surveillance

12 video footage from the square?

13 A No.

14 Q Do you communicate with other supervisors by text

15 message?

16 A In general communication, yes.

17 Q And do you have like a group text among the --

18 among the five supervisors?

19 A Not that like, per se, Ms. Carwyle had that said

20 "Supervisors" or something like that, no, sir, we don't.

21 It's not a thread that is used. It's not like

22 saved on my phone, if that's the question.

23 If I wanted to text everyone, I would have to go

24 and enter each name into the text thread to send a message.

25 Q Right, but that's something you've done before?

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2 A Some of them have exhibit numbers.

3 BY MR. RETHY:

4 Q It's not among those.

5 A Okay. Can you describe which picture you want me

6 to take a look at?

7 Q Just a second.

8 32 is an image of the base of the statue.

9 A Okay. Does it have a drawing in the picture to

10 the left of it where it says "Erected 1907"?

11 Q Is there like a drawing of a truck or something

12 of that nature?

13 A Yes.

14 Q That's right.

15 A All right.

16 Q And then 33 is just a picture of the whole

17 statue.

18 A Okay.

19 Q And 34 is the statue at night and some people

20 carrying apparently the football goal post.

21 A That would be Florida. They were number one in

22 the country at the time and tore the goalpost down. The

23 funny --

24 Well, the thing about this was, that was an

25 afternoon game -- or actually, it may have been an 11:30

<p style="text-align: right;">Page 70</p> <p>1 D. RIKARD</p> <p>2 game, and they're still partying and taking it at night.</p> <p>3 Q Right.</p> <p>4 So this kind of --</p> <p>5 So in this photo with the goalposts, so under</p> <p>6 current policy that would be a violation; is that right?</p> <p>7 A Well, in this exact circumstance, this is the</p> <p>8 leeway that the sheriff would have because this is something</p> <p>9 that doesn't happen on a daily occurrence, and we don't beat</p> <p>10 the number one team in the country very often.</p> <p>11 So this would be something that was a very</p> <p>12 spontaneous large crowd that he would have the leeway to</p> <p>13 determine how to best proceed. Exhibits 18 (sic) 19, 20.</p> <p>14 (Exhibit 19 was marked for identification.)</p> <p>15 (Exhibit 20 was marked for identification.)</p> <p>16 (Exhibit 21 was marked for identification.)</p> <p>17 BY MR. RETHY:</p> <p>18 Q Got it. So look at Tab 32, the base of the</p> <p>19 statue. So this is --</p> <p>20 You're familiar with the statue generally; right?</p> <p>21 A Right.</p> <p>22 Q And you're familiar with this inscription that's</p> <p>23 reflected in this picture?</p> <p>24 A Most definitely, yes, sir.</p> <p>25 Q And so it says, "In memory of the patriotism of</p>	<p style="text-align: right;">Page 71</p> <p>1 D. RIKARD</p> <p>2 the confederate soldiers in Lafayette County, Mississippi.</p> <p>3 They gave their lives in a just and holy cause."</p> <p>4 What is your understanding of the meaning of</p> <p>5 "They gave their lives in a just and holy cause"?</p> <p>6 A My understanding is, this was put up by the</p> <p>7 Daughters of the Confederacy, I believe, and that was</p> <p>8 their -- that was their opinion at the time.</p> <p>9 I don't know if I have the right to do this, but</p> <p>10 I think it's very pertinent to this conversation.</p> <p>11 If you notice in that picture --</p> <p>12 And actually, the other is a better example, the</p> <p>13 picture where it shows the entire monument. There are --</p> <p>14 there are -- those are considered cannonballs at the corner</p> <p>15 or the base of the monument, and I know -- you'll see that</p> <p>16 was stolen.</p> <p>17 So it just kind of adds value to our Sheriff's</p> <p>18 Departments can't be everywhere at all time. That marble</p> <p>19 cannonball is extremely expensive, and it's been stolen I</p> <p>20 believe on more than one occasion, which actually, like I</p> <p>21 said, it's missing in this picture. So there's a lot of</p> <p>22 value there of how much our Sheriff's Department can</p> <p>23 regulate a situation that's right in the city, you know, the</p> <p>24 center of our city.</p> <p>25 Q Do you recall any efforts made at any point in</p>
<p style="text-align: right;">Page 72</p> <p>1 D. RIKARD</p> <p>2 time to contextualize the statue?</p> <p>3 A Yes.</p> <p>4 Q What's your recollection of that?</p> <p>5 A A committee was put together at the request of</p> <p>6 some community, I believe, and we -- board of supervisors</p> <p>7 were in favor of it and still in favor of it. It's to --</p> <p>8 It's in remembrance of the -- some of the men</p> <p>9 that -- men we know of that were lynched in Lafayette</p> <p>10 County.</p> <p>11 MR. RETHY: Could you turn to -- turn to Tab 29.</p> <p>12 So this is FRYE50 to _51.</p> <p>13 (Exhibit 22 was marked for identification.)</p> <p>14 THE WITNESS: Have we looked at those before</p> <p>15 already? Sorry, I'm trying to put them back in the</p> <p>16 same order. I've got a bunch of the FRYE</p> <p>17 documentation.</p> <p>18 MR. RETHY: I think I've gotten sloppy stating on</p> <p>19 the record the exhibit numbers, but I believe this is</p> <p>20 Exhibit 22.</p> <p>21 MR. O'DONNELL: Tab 22?</p> <p>22 MR. RETHY: This is Exhibit 22, Tab 29.</p> <p>23 MR. O'DONNELL: I've got it.</p> <p>24 Okay, the FRYE documents, which tab were they in?</p> <p>25 MR. RETHY: 29.</p>	<p style="text-align: right;">Page 73</p> <p>1 D. RIKARD</p> <p>2 MR. O'DONNELL: 29, okay. Let me take a look.</p> <p>3 THE WITNESS: Tab 50 and 51.</p> <p>4 BY MR. RETHY:</p> <p>5 Q This is an e-mail from Lisa Carwyle dated</p> <p>6 November 1, 2017?</p> <p>7 A Correct.</p> <p>8 Q And the subject is "Wording for</p> <p>9 Contextualization."</p> <p>10 And it was sent to the supervisors e-mail, which</p> <p>11 means that as a supervisor you would have received a copy?</p> <p>12 A Right.</p> <p>13 Q Do you recall this e-mail?</p> <p>14 A I do.</p> <p>15 Q And what were the circumstances in 2017</p> <p>16 surrounding this contextualization draft or this attempt at</p> <p>17 contextualization?</p> <p>18 A Can you ask me that question again, please?</p> <p>19 Q I'll go ahead a different way.</p> <p>20 What was the study group referenced in the</p> <p>21 e-mail?</p> <p>22 A It was a group of --</p> <p>23 I don't remember who actually was on this, but it</p> <p>24 was I believe some historians, some very well-respected</p> <p>25 people from the community that were requested to serve, and</p>

<p style="text-align: right;">Page 74</p> <p>1 D. RIKARD</p> <p>2 by serving, to get together and come up with some language</p> <p>3 to place on the plaque.</p> <p>4 Q You said to place on what?</p> <p>5 Sorry. I couldn't hear the last word.</p> <p>6 A On the plaque, contextualization plaque.</p> <p>7 Q Was the plaque ever put in place?</p> <p>8 A No.</p> <p>9 We met with the committee at our last board</p> <p>10 meeting. And I actually have a Zoom meeting with them set</p> <p>11 up for Friday at 10:00.</p> <p>12 We're still working on it, but we are in the very</p> <p>13 final stages and hope to do it at our next board meeting,</p> <p>14 which will be -- I'm sorry -- third Monday of this month.</p> <p>15 That's what we're hoping to be able to do.</p> <p>16 Q So this is --</p> <p>17 Has this been a continuous process since 2017, or</p> <p>18 did it kind of stop at some point and then restart more</p> <p>19 recently?</p> <p>20 A It kind of stalled, yes.</p> <p>21 Q And when did it stall?</p> <p>22 A I don't recall when it stalled.</p> <p>23 Q Do you recall why it stalled?</p> <p>24 A I don't recall why it stalled.</p> <p>25 I do know that this year they wanted to come back</p>	<p style="text-align: right;">Page 75</p> <p>1 D. RIKARD</p> <p>2 earlier in the year, but due to COVID they decided to</p> <p>3 postpone it.</p> <p>4 Q If you turn to the second page of this document.</p> <p>5 A Okay.</p> <p>6 Q The proposed wording.</p> <p>7 A Yes.</p> <p>8 Q Do you recall reading this proposed wording?</p> <p>9 A I do.</p> <p>10 Q And did you support this or not?</p> <p>11 A Yes. I voted for it. I voted in favor.</p> <p>12 Q Of this language?</p> <p>13 A I don't remember this language being changed. It</p> <p>14 may have been, but if this is the language that was brought</p> <p>15 to the board, I did vote in favor of it, yes.</p> <p>16 Q And what was the --</p> <p>17 Do you remember what the -- what the vote was?</p> <p>18 A 4-1, I believe.</p> <p>19 Q 4-1 in favor or against?</p> <p>20 A In favor of it.</p> <p>21 Q And do you recall which member of the board voted</p> <p>22 against?</p> <p>23 A Yeah, this is '17.</p> <p>24 I believe Mr. McLarty had an issue with some of</p> <p>25 the wording. I can't remember the exact word, but it was</p>
<p style="text-align: right;">Page 76</p> <p>1 D. RIKARD</p> <p>2 "presumed" or something along those lines that -- or</p> <p>3 "alleged." That was the word. It was "alleged."</p> <p>4 Mr. McLarty didn't agree with the "alleged" being</p> <p>5 in there. And with that, I believe it had to be resubmitted</p> <p>6 to the Archives in History, which was part of the delay</p> <p>7 because they had to approve anything that goes on the</p> <p>8 courthouse grounds. It is a historical -- the entire</p> <p>9 grounds are a historical area.</p> <p>10 But once that was changed and okayed, then</p> <p>11 Mr. McLarty was okay with it as well.</p> <p>12 Q So is the wording reflected in this document</p> <p>13 going to be on the plaque that is going to be considered at</p> <p>14 the next board of supervisors meeting?</p> <p>15 A I'm not sure. That's what the meeting is for on</p> <p>16 Friday.</p> <p>17 Q And you mentioned something about an objection to</p> <p>18 the use of the word "alleged"?</p> <p>19 A Yes, but that was Mr. McLarty. That's just my</p> <p>20 recollection. It would be better for him to answer that</p> <p>21 question.</p> <p>22 Q And I think that you -- sorry, strike that.</p> <p>23 MR. RETHY: Let's go to Tab 24, which is _1583 to</p> <p>24 _1584.</p> <p>25 (Exhibit 23 was marked for identification.)</p>	<p style="text-align: right;">Page 77</p> <p>1 D. RIKARD</p> <p>2 MR. RETHY: This is Exhibit 23.</p> <p>3 MR. O'DONNELL: Is that Tab 24?</p> <p>4 MR. RETHY: Yeah.</p> <p>5 A Okay.</p> <p>6 BY MR. RETHY:</p> <p>7 Q Do you recall --</p> <p>8 This document has two unrelated e-mails, one of</p> <p>9 them to each page.</p> <p>10 Do you recall either of these e-mails?</p> <p>11 A No.</p> <p>12 Q So they're referencing a vote about the statue</p> <p>13 removal.</p> <p>14 Do you recall that vote?</p> <p>15 A I do.</p> <p>16 Q And that was a vote about whether to remove or</p> <p>17 relocate the confederate statue; right?</p> <p>18 A Correct.</p> <p>19 Q And the board of supervisors voted not to remove</p> <p>20 it; correct?</p> <p>21 A Correct.</p> <p>22 Q Including yourself?</p> <p>23 A Correct.</p> <p>24 Q Could you explain the reasoning behind that vote?</p> <p>25 A Based on state law, it has to stay on the</p>

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2 entity's property that it belongs to, which means it has to

3 stay on Lafayette County property. And we just didn't see

4 any suitable place at the time for it to be moved, or I

5 didn't see any suitable place.

6 Q What would you have considered to be a suitable

7 place?

8 A I don't know what's a suitable place, but in

9 front of another building isn't the place for it, another

10 government-owned building, and that's pretty much all that

11 we own at this point.

12 MR. RETHY: Lets' go to Tab 21. This is _1459 to

13 _61.

14 (Exhibit 24 was marked for identification.)

15 THE WITNESS: _59 through _61?

16 MR. RETHY: _1459 through _61, yeah.

17 THE WITNESS: Okay.

18 BY MR. RETHY:

19 Q This is an e-mail and attachment, and it appears

20 that it was produced sort of in reverse order so that the

21 attachment is page 1, and then the second page of the e-mail

22 is page 2., and the front page of the e-mail is page 3.

23 Looking at the --

24 Looking at page 3, which is the front page of the

25 e-mail, do you see that this is an e-mail from Eunice Benton

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2 come from outside our community to the square.

3 And I don't know if "protest" is the right word,

4 but the gentleman we mentioned earlier --

5 I can't even think of his name now.

6 Q George Johnson?

7 A George Johnson, yes, he's been to the square

8 several times, and he does not live in Lafayette County.

9 I don't know if he's a white supremacist or not.

10 I don't have conversations with him. I can tell you he

11 does -- does have confederate flags and those type of

12 things.

13 MR. RETHY: Let's look at Tab 25.

14 (Exhibit 25 was marked for identification.)

15 BY MR. RETHY:

16 Q This is _1587 to _1588.

17 A Let me make sure I have that. Give me a second.

18 Q This is an e-mail exchange between you and Eunice

19 Benton; correct?

20 A Yes.

21 Q Do you recall this conversation?

22 A I know this is my e-mail. Reading it, I remember

23 it, but as far as this being on the top forefront of my

24 memory, no.

25 Q One of the things you say in your e-mail is, "The

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2 to yourself and copied the other supervisors; correct?

3 A Correct.

4 Q Do you recall this e-mail?

5 A No, sir.

6 Q Are you familiar with who Eunice Benton is?

7 A No. I do --

8 This other document, _1583, Kim Kelley-Rhinewalt,

9 I knew or know of her, and I did have a town hall meeting

10 with some of her associates. I just want to clarify that.

11 But I don't know Ms. Eunice Benton or Steve

12 Scott. I haven't met with them or know them.

13 Q If you look at the attachments --

14 So this is _1459, an attachment titled "Take It

15 Down Oxford."

16 A Okay.

17 Q You see there's number 3 -- skip it.

18 Number 4 states, "The monument brings white

19 supremacists, many from outside our community, to see the

20 square as their space rather than our community's space."

21 Do you agree with that statement?

22 A I would agree that there have been some white

23 supremacists --

24 Well, I don't know that they're white

25 supremacists. They were confederate advocates that have

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2 IHL has taken years to come up with a suitable place and

3 rendering."

4 Could you explain what that refers to?

5 A Yeah. IHL is the governing body over the

6 colleges in the state, and there's also a confederate

7 monument on the -- in or around the circle at the university

8 and, like with the board of supervisors, it was requested to

9 be taken down.

10 I mean, it's that same amount of time that I can

11 think of, at least probably three or four years, that it

12 wasn't moved for whatever reason, and it was only recently

13 located I think a few months back -- three or four months

14 back to a confederate cemetery on the university grounds

15 that they deemed was more suitable than the circle.

16 It's also a very costly task. So it's not just

17 something that, you know, is having a wrecker pull up, pick

18 it up and move it. We would have to amend our budget if we

19 were going to do it.

20 I don't know how the IHL came up with their

21 funds.

22 For our board it would take a -- it would be a

23 pretty extenuating circumstance or process.

24 Q Now let's turn to Tab 27. This is _1623 through

25 _1634, and this is a printout of text messages, if that

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2 makes it easier.

3 A I wanted to --

4 When you asked me earlier about this -- or the

5 conversation or e-mail with the sheriff that said this is

6 taking a toll on us, this is the "this."

7 If you --

8 I mean, if you see that, that e-mail says,

9 "Completely appalled. What a group of white boys you are."

10 I mean, that's --

11 For a person like me, and I can pretty much speak

12 for the board, that's not in any shape, form or fashion the

13 type of people that we are. So that is --

14 And the sheriff catches a lot of the grief too.

15 So that's the "this" that I was referring to in that e-mail.

16 So I apologize. What did you want me to --

17 Q It's Tab 27, _1623 to _1634, and it's a

18 compilation of text messages.

19 (Exhibit 26 was marked for identification.)

20 A Okay, I have 1623 and 1624.

21 BY MR. RETHY:

22 Q _1623 to _1634?

23 A Oh, 34, okay.

24 Q Do you recognize these as text messages sent and

25 received by you?

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2 influence over the board? Be honest."

3 Who is Johnny Morgan?

4 A Johnny Morgan is a local business owner. He

5 spoke when we had, I believe it was the June 6th meeting.

6 We allowed a limited forum to allow people from each side to

7 speak about removing or leaving the statue where it is.

8 Johnny Morgan spoke in favor of leaving the statue where it

9 is.

10 Q You say you consider Johnny a friend in response

11 to that; is that correct?

12 A Yes, I do.

13 Q And you say you've known him through Brad Camp

14 for a long time.

15 Who is Brad Camp?

16 A Brad Camp, a friend of mine. He works for Johnny

17 Morgan.

18 Q Do you share Mr. Morgan's views regarding removal

19 of the statue?

20 A Just to clarify, he is not in favor of

21 relocating.

22 And I think I made myself clear my point of

23 relocating. I can answer again if you want me to. I mean,

24 I don't --

25 I'm indifferent to where the statue is but,

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2 A Yes.

3 Q So if you turn to _1633, who is Mr. McGregor?

4 A He is --

5 He owns a welding company. He was on the

6 Lafayette County School Board. He was not reelected in this

7 last election.

8 Q He sent you this text, and you reacted with a

9 thumbs up and "Thanks for the text," right?

10 A Right.

11 Q Do you agree with his characterization of that

12 you were standing up to the statue removal mob?

13 A Again, we weren't --

14 The intention was not to stand up to anyone. We

15 didn't have anywhere to place the monument.

16 Q So you don't agree with this characterization of

17 the situation?

18 A I don't agree with his assessment there. Bill

19 McGregor is not a friend of mine.

20 Q Looking at _1631.

21 A Okay.

22 Q Who is Cristen Hemmins?

23 A She is the chair of the Democratic Party in

24 Lafayette County.

25 Q And she says, "Does Johnny Morgan have a lot of

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2 again, it's a very costly process as well to have it moved

3 as well as having -- the main thing is having a place to put

4 it.

5 Q If you'd turn to --

6 Sorry. I didn't mean to cut you off.

7 Turn to _1526.

8 Do you recognize the person in this photograph?

9 A I have no idea who this person is.

10 In the photograph?

11 I'm sorry. In the photograph or sent the

12 photograph?

13 Q The person in the photograph.

14 A What number we on?

15 Q _1626.

16 A Oh.

17 Q Same package of texts.

18 A I apologize.

19 Yes, that's the gentleman we just mentioned,

20 George Johnson.

21 Q So you wouldn't agree that he's your new best

22 buddy, I assume?

23 A No, sir. We're not new buddies, old buddies or

24 buddies.

25 I don't share the same views Mr. Johnson does.

<p style="text-align: right;">Page 86</p> <p>1 D. RIKARD</p> <p>2 MR. RETHY: I guess that's enough with that one.</p> <p>3 I'm pretty close to being done, I think.</p> <p>4 Could we go off the record for five minutes? I</p> <p>5 just need to sort of collect my thoughts as to whether</p> <p>6 there's anything else.</p> <p>7 MR. O'DONNELL: Okay, that's fine.</p> <p>8 VIDEOGRAPHER: We're going off the record. The</p> <p>9 time is 1:22 p.m.</p> <p>10 (Recess was taken.)</p> <p>11 VIDEOGRAPHER: We're back on the record. The</p> <p>12 time is 1:33 p.m.</p> <p>13 MR. RETHY: All right. I've got one last</p> <p>14 document, and then be done. This is Tab 22, _1535.</p> <p>15 (Exhibit 27 was marked for identification.)</p> <p>16 BY MR. RETHY:</p> <p>17 Q This is an e-mail to you from Ana Martinez;</p> <p>18 correct?</p> <p>19 A Right.</p> <p>20 Q Do you recall this e-mail?</p> <p>21 A Ms. Martinez, she sent me several e-mails.</p> <p>22 This one in particular, no. I didn't respond to</p> <p>23 any of her e-mails.</p> <p>24 Q So she says, "Calling to ask you a question</p> <p>25 regards to the barricaded statue."</p>	<p style="text-align: right;">Page 87</p> <p>1 D. RIKARD</p> <p>2 Do you know what she's referring to there?</p> <p>3 A Yes.</p> <p>4 Q What is she referring to?</p> <p>5 A The sheriff placed barricades around the statue.</p> <p>6 Q When did that happen?</p> <p>7 A I don't know the exact date it was actually --</p> <p>8 MR. RETHY: Seems like the video might have</p> <p>9 frozen.</p> <p>10 VIDEOGRAPHER: Yeah, it looks froze to me. Want</p> <p>11 to go off the record?</p> <p>12 MR. RETHY: I suppose so.</p> <p>13 VIDEOGRAPHER: Going off the record. The time is</p> <p>14 1:35 p.m.</p> <p>15 (Recess was taken.)</p> <p>16 VIDEOGRAPHER: We're back on the record. The</p> <p>17 time is 1:44 p.m.</p> <p>18 BY MR. RETHY:</p> <p>19 Q Okay. So before we broke off due to a technical</p> <p>20 issue, we were talking about this e-mail from Ana Martinez</p> <p>21 and barricades around the statue, and I was attempting to</p> <p>22 learn more about approximately when those barricades were</p> <p>23 put up and the reason for that being done.</p> <p>24 A I really don't -- I don't know the --</p> <p>25 I think they were put up on several occasions,</p>
<p style="text-align: right;">Page 88</p> <p>1 D. RIKARD</p> <p>2 but I don't know. That was strictly the sheriff's call.</p> <p>3 Q Do you know the rationale for it?</p> <p>4 A No, sir.</p> <p>5 Q And are there barricades there currently?</p> <p>6 A No, sir, and haven't been.</p> <p>7 Q So were the barricades put up and then removed</p> <p>8 relative -- such that they were up for a relatively short</p> <p>9 period of time each time they were put up?</p> <p>10 A Again, the sheriff would know. I don't --</p> <p>11 I don't know the week that they were put up or</p> <p>12 even the dates or how many times.</p> <p>13 Again, that was something that he would do at his</p> <p>14 discretion for whatever he deemed necessary. I'm not sure.</p> <p>15 Q The e-mail continues, "I also wanted to ask why</p> <p>16 you guys weren't allowing anyone on the courthouse grounds</p> <p>17 after 5 p.m."</p> <p>18 Do you know what that refers to?</p> <p>19 A I'm going to look at a calendar real quick.</p> <p>20 So June 3rd would have been after our first board</p> <p>21 meeting.</p> <p>22 I can't remember when the -- when I went -- when</p> <p>23 the curfew went into effect for 5:00.</p> <p>24 We had a curfew way before my tenure at 10 p.m.,</p> <p>25 but as far as for this exact question, I'm sorry, I don't</p>	<p style="text-align: right;">Page 89</p> <p>1 D. RIKARD</p> <p>2 know.</p> <p>3 Q So you mentioned a 10 p.m. curfew.</p> <p>4 Is that a curfew specifically related to the</p> <p>5 courthouse grounds or more general curfew?</p> <p>6 A No, the courthouse grounds.</p> <p>7 Q And do you know whether in fact there was a</p> <p>8 5 p.m. curfew on the courthouse grounds as of June 3, 2020?</p> <p>9 A No.</p> <p>10 Q No, you don't recall or, no, there wasn't?</p> <p>11 A No, I don't recall.</p> <p>12 Q So who is --</p> <p>13 Does the sheriff have the authority to -- to</p> <p>14 unilaterally impose a curfew?</p> <p>15 A That's -- I don't know about the policy on that.</p> <p>16 Q Did the board of supervisors vote to impose a</p> <p>17 5 p.m. curfew?</p> <p>18 A I don't recall that, no.</p> <p>19 Q Do you recall there being a 5 p.m. curfew in</p> <p>20 effect on the courthouse grounds at any time in 2020 prior</p> <p>21 to the enactment of the July 20 policy with the</p> <p>22 30-minutes-before-dusk provision?</p> <p>23 A No.</p> <p>24 Q Barricades --</p> <p>25 Do you recall what the barricades looked like?</p>

<p style="text-align: right;">Page 90</p> <p>1 D. RIKARD</p> <p>2 A Orange cones.</p> <p>3 Q Was there law enforcement present at the</p> <p>4 barricade?</p> <p>5 A You'll have to ask the sheriff that.</p> <p>6 Q Is it the board's present intention to continue</p> <p>7 the 30-minutes-before-dusk closure policy indefinitely?</p> <p>8 A Yes. At this time, yes.</p> <p>9 MR. RETHY: I don't believe I have any further</p> <p>10 questions. Thank you for your time.</p> <p>11 MR. O'DONNELL: I have no questions.</p> <p>12 VIDEOGRAPHER: This the end of the deposition.</p> <p>13 The time is 1:50 p.m.</p> <p>14 MR. O'DONNELL: This is David O'Donnell. I'll</p> <p>15 need a written transcript, please.</p> <p>16 MR. RETHY: For Plaintiff, if we could get the</p> <p>17 rough transcript when that's available, and then just</p> <p>18 ordinary delivery of the final.</p> <p>19 (Whereupon, the deposition was concluded at</p> <p>20 1:50 p.m.)</p> <p>21 _____</p> <p>22 DAVID RIKARD</p> <p>23 Subscribed and sworn to before me this</p> <p>24 ____ day of _____, 2020.</p> <p>25</p>	<p style="text-align: right;">Page 91</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>1</p> <p>2</p> <p>3</p> <p>4 I, Gina Williams, Registered Professional</p> <p>5 Reporter, certify that I was authorized to and did</p> <p>6 stenographically report the foregoing deposition; and that</p> <p>7 the transcript is a true record of the testimony given by</p> <p>8 the witness; that the witness did not waive reading and</p> <p>9 signing.</p> <p>10 I further certify that I am not a relative,</p> <p>11 employee, attorney, or counsel of any of the parties, nor am</p> <p>12 I a relative or employee of any of the parties' attorney or</p> <p>13 counsel connected with the action, nor am I financially</p> <p>14 interested in this action.</p> <p>15 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>16 this 28th day of December, 2020.</p> <p>17</p> <p>18 _____</p> <p>19 Gina Williams, RPR, CRR, CRC</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 92</p> <p>1 D. RIKARD</p> <p>2 I N D E X</p> <p>3 DAVID RIKARD</p> <p>4 EXAMINATION BY MR. RETHY 5</p> <p>5 - - - -</p> <p>6 E X H I B I T S</p> <p>7 EXHIBIT NO.:</p> <p>8 Exhibit 1 Facility Use Policy dated April 20, 10</p> <p>9 2015 Bates Lafayette County DOC000002</p> <p>10 through _05</p> <p>11 Exhibit 2 Facility Use Policy dated March 4, 12</p> <p>12 2019, Bates Lafayette County</p> <p>13 DOC000006 through _10</p> <p>14 Exhibit 3 Order: Amend Facility Use Policy 17</p> <p>15 Regarding Use of Courthouse Grounds,</p> <p>16 Bates Lafayette County DOC000052</p> <p>17 Exhibit 4 Order: Approve Revision of Facilities 23</p> <p>18 Use Policy to Include a Requirement</p> <p>19 of Application to be Made 14 Days</p> <p>20 Prior to Date of Proposed Use and</p> <p>21 Requiring Closure of Courthouse</p> <p>22 Grounds 30 Minutes Before Dusk, Bates</p> <p>23 Lafayette County DOC000001</p> <p>24 Exhibit 5 Facility Use Applicant and Permit, 30</p> <p>25 Bates Lafayette County DOC000020</p> <p>Exhibit 6 Facility Use Application and Permit, 31</p> <p>Bates Lafayette County DOC000022</p> <p>Exhibit 7 E-mail Chain dated June of 2020, 34</p> <p>Bates Lafayette County DOC000261</p> <p>through _265</p> <p>Exhibit 8 E-mail dated June 18, 2020 Titled 37</p> <p>"Tomorrow is a PR Disaster for</p> <p>Oxford" Bates Lafayette County</p> <p>Doc001438</p> <p style="text-align: center;">E X H I B I T S</p>	<p style="text-align: right;">Page 93</p> <p>1 D. RIKARD</p> <p>2 EXHIBIT NO.:</p> <p>3 Exhibit 9 Facility Use Application and Permit, 44</p> <p>Bates Lafayette County DOC000030</p> <p>4</p> <p>5 Exhibit 10 Photograph 46</p> <p>6</p> <p>7 Exhibit 11 Photograph 48</p> <p>8</p> <p>9 Exhibit 12 Photograph 48</p> <p>10</p> <p>11 Exhibit 13 Photograph 48</p> <p>12</p> <p>13 Exhibit 14 E-mail Chain dated September 3, 2020, 51</p> <p>14 Bates Lafayette County DOC000046 and</p> <p>15 _47</p> <p>16</p> <p>17 Exhibit 15 Letter to Mayor Robyn Tannehill, 56</p> <p>18 Bates Lafayette County DOC000364</p> <p>19 through _370</p> <p>20</p> <p>21 Exhibit 16 E-mail Chain dated October 12, 2018 57</p> <p>22 and January 4, 2019, Bates Lafayette</p> <p>23 County DOC000055 and _56</p> <p>24</p> <p>25 Exhibit 17 E-mail Chain dated August and 58</p> <p>September of 2019, Bates Lafayette</p> <p>County DOC000178 and _179</p> <p>Exhibit 18 E-mail Chain dated February 26, 2019, 59</p> <p>Bates FRYE0058 and _59</p> <p>Exhibit 19 Photograph 70</p> <p>Exhibit 20 Photograph 70</p> <p>Exhibit 21 Photograph 70</p> <p>Exhibit 22 E-mail dated November 1, 2017, Bates 72</p> <p>FRYE0050 and _51</p> <p>Exhibit 23 E-mails dated July 6, 2020, Lafayette 76</p> <p>County Doc001583 and _84</p> <p style="text-align: center;">E X H I B I T S</p>

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<div style="text-align: right; padding-right: 10px;">D. RIKARD</div> <div style="text-align: right; padding-right: 10px;">EXHIBIT NO.:</div> <div style="text-align: right; padding-right: 10px;">Exhibit 24 E-mail dated June 22, 2020 and Attachment Titled "Take It Down Oxford" Bates Lafayette County Doc001459 through _1461</div> <div style="text-align: right; padding-right: 10px;">Exhibit 25 E-mail Chain dated July 6, 2020, Bates Lafayette County Doc001587 and _88</div> <div style="text-align: right; padding-right: 10px;">Exhibit 26 Copy of Text Message dated July 6, Bates Lafayette County Doc001623 through _34</div> <div style="text-align: right; padding-right: 10px;">Exhibit 27 E-mail dated June 3, 2020, Bates Lafayette County Doc001535</div>	<div style="text-align: right; padding-right: 10px;">ERRATA SHEET</div> <div style="text-align: right; padding-right: 10px;">Case Name:</div> <div style="text-align: right; padding-right: 10px;">Deposition Date:</div> <div style="text-align: right; padding-right: 10px;">Deponent:</div> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%; text-align: left;">Pg.</th> <th style="width: 5%; text-align: left;">No.</th> <th style="width: 20%; text-align: left;">Now Reads</th> <th style="width: 20%; text-align: left;">Should Read</th> <th style="width: 50%; text-align: left;">Reason</th> </tr> </thead> <tbody> <tr><td>6</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>7</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>8</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>9</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>10</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>11</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>12</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>13</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>14</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>15</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>16</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>17</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>18</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>19</td><td>___</td><td>___</td><td>___</td><td>___</td></tr> <tr><td>20</td><td></td><td></td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td><td></td><td style="text-align: right;">Signature of Deponent</td></tr> </tbody> </table> <div style="text-align: right; padding-right: 10px;">SUBSCRIBED AND SWORN BEFORE ME</div> <div style="text-align: right; padding-right: 10px;">THIS ___ DAY OF ___, 2020.</div> <div style="text-align: right; padding-right: 10px;">(Notary Public) MY COMMISSION EXPIRES: _____</div>	Pg.	No.	Now Reads	Should Read	Reason	6	___	___	___	___	7	___	___	___	___	8	___	___	___	___	9	___	___	___	___	10	___	___	___	___	11	___	___	___	___	12	___	___	___	___	13	___	___	___	___	14	___	___	___	___	15	___	___	___	___	16	___	___	___	___	17	___	___	___	___	18	___	___	___	___	19	___	___	___	___	20					21					22				Signature of Deponent
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